THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.4403 OF 2006

Dt.7.3.2006

Between:

Kadirappagari Prameelamma and others … Petitioners

And

The Mandal Revenue Officer, Peddavadagur

Mandal, Anantapur District and others. … Respondents

ORDER:

Petitioners question the action of the 1st respondent in threatening to dispossess the petitioners from the lands in Sy.No.214-D in 213-C, 216-B of Molakathala Village limits, Gooty, Anantapur District without following due process of law as illegal and arbitrary.

The case of the petitioners is that petitioners 1 and 2 are in possession of an extent of Ac.6.12 cents of land in Sy.No.214-D of Mulapottula Village and petitioners 3 and 4 are in possession of a total extent of Ac.2.03 cents in Sy.Nos.230-C, 214-D and 216-B of Molakanthalla Village and the said land belongs to the Government alone. When the unofficial respondents 2 to 7 started interfering with their possession, they have filed O.S.No.253 of 2005 on the file of the Junior Civil Judge, Gooty for permanent injunction, which was decreed on 30.12.2005. It is stated that at the

instance of the Mandal Revenue Officer, Peddavadagur Mandal, the unofficial respondents are illegally interfering with the possession and enjoyment of the petitioners.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue on behalf of the first respondent.

Even if the said land belongs to the Government, the first respondent cannot dispossess the petitioners without following the due procedure prescribed under the law. I am not inclined to express any opinion whether the petitioners are in possession and enjoyment of the Government land or not. If the petitioners are in possession of the Government land, the first respondent may take appropriate action in accordance with law. Having regard to the facts and circumstances of the case, the first respondent is directed not to dispossess the petitioners from the lands in question without following the due process of law.

The writ petition is disposed of accordingly. No order as to costs.

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(V.ESWARAIAH, J.)

7.3.2006

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